

**REMARKS OF
REPRESENTATIVE EDWARD J. MARKEY
REGARDING
ROLLER COASTER SAFETY AND H.R. 3032
April 13, 2000**

Thank you for coming.

We are here today to highlight the need for action to improve safety at amusement park rides as the 2000 season begins. It is time to close the roller coaster loophole.

Let me begin by introducing the participants.

[congressional cosponsors]

I am particularly pleased that Ann Brown, the Chairman of the Consumer Product Safety Commission, has taken the time to be with us to lend her considerable authority to upgrading safety in this area.

Following Chairman Brown, we will hear from Ms. Kathy Fackler, a mother from California who endured the horror of seeing her 7-year-old son badly injured on a ride, only to have the pain compounded by reaction she encountered when she tried to take steps to protect other 7-year-old children from repeating her son's mistake.

Ken Martin, a state-certified inspector from Virginia, will address the issue of how federal authority to investigate ride accidents provides nationwide dissemination of information critical to state inspectors.

In addition, three of the nation's leading consumer safety advocates, Rachel Weintraub of the U.S. PIRG, Sally Greenberg of Consumers Union, and Mary Ellen Fise of the Consumer Federation of America, will express their interest and support for this effort.

First, let me say that none of us is interested in taking the thrill out of roller coasters or any other fun ride that we have all experienced as children or young adults. It is undoubtedly true that the theme park industry has a huge stake in ensuring that its patrons have a safe and happy time when they visit amusement parks, as does the insurance industry and many of the other businesses that are benefited by the success of parks. But they have other pressures on them as well – to minimize publicity, to maximize profit – that need to be acknowledged and accounted for to ensure that safety receives its due, that children are protected.

The Amusement Ride Safety Act does not single out this industry. Quite the contrary, our purpose is to ensure that this industry is treated no differently than any other when it comes to basic consumer safety oversight of activity that places small children on large machines designed to move them at high speeds.

No one questions, for example, the federal role in working with the states to oversee the safety of automobiles, and we spend \$ 360 million at the National Highway Traffic Safety Administration in that endeavor.

No one questions the federal role in overseeing the safety of trains or buses or planes, either, and we spend hundreds of millions of dollars each year working to provide independent federal eyes and ears watching those activities.

But when it comes to “fixed-site rides” in amusement parks, suddenly we are confronted with a special exemption from any federal oversight, carved out in 1981, and, as a result, neither the Consumer Product Safety Commission nor any other federal safety agency spends a dime overseeing the safety of the millions of children and young adults that ride these rides each year.

When a child dies in a plane crash, or a train wreck or a school bus, crack federal investigators from the National Transportation Safety Board fly to the scene, reconstruct the accident, interview all the players, write a report, share that report with the industry and the public and the state authorities, and often order safety checks or repairs on similar vehicles.

But when 8-year-old Jessica Bailey and her mother were catapulted to their deaths in New Jersey from the side of a roller coaster car falling backwards, or when a 17-year old in Coney Island is crushed by the car in which she is riding, dying from massive internal injuries, what happens? The CPSC checks to see if the ride is a so-called “mobile” ride, or if it is, like most roller coasters, a “fixed-site” ride. And if it turns out that your son or daughter was unlucky enough to get injured or to die on a “fixed-site” ride, guess what? No NTSB, no CPSC, no nothing happens here in Washington.

As a result, the accident is never investigated by anyone whose mission it is to share what is learned with all 50 states, and no one has the power to ensure that a repair ordered in New Jersey or New York is also ordered on the same rides in Florida, Texas or California.

That’s wrong. That’s stupid. But it’s the law.

The right thing, the smart thing – sending a federal investigator to find out what happened and share that information with every other state? – that’s illegal?

Alice in Wonderland would like this.

The industry tries to make sense of this by suggesting that it’s not like all these other activities -- that when it comes to safety, it is in another league than autos, or planes or trains. It even goes so far to say that riding a roller coaster is safer than using a garden hose. One spokesman even compared the forces you feel on a coaster as it

bottoms out of a free fall or loops through an inversion to the same force you feel when “flopping down in a chair.”

Well, it might be unusually exciting around that guy’s house, but all I know is that at my house, when I pick up my garden hose or sit down in my kitchen chair, the thrill is gone. Nothing seems to happen that I could ever sell tickets for!

Yes, the comparisons are ridiculous, but they indicate how far the industry is willing to go to deny reality.

I asked my staff to make an apples-to-apples comparison of the fatality rate on roller coasters with the fatality rate on other forms of transportation, such as automobiles, trains, buses and passenger planes.

The results can be seen on these two charts. The fact is, the fatality rate per distance traveled on a roller coaster is only slightly better than the rate in a car and worse than the rate in a plane or train or bus.

So roller coasters are not in a league of their own – they’re in the same league as other activities where the federal safety role is unquestioned. This amusement park industry surely does not merit immunity from federal oversight.

Surely it is not wise to leave things as they are, with a patchwork quilt of state regulation [see chart] and a ban on CPSC’s investigation of fixed-site rides, the very rides where injuries appear to be rising most rapidly.

The bill is very simple: it would

1. Lift the ban on CPSC investigating deaths or serious injuries on roller coasters and other “fixed-site” amusement park rides;
2. Authorize the CPSC to perform its “Clearinghouse” function for all 50 states, so that what is learned from one accident is shared as widely as possible to help prevent another;
3. Permit the CPSC to order corrective action when it learns of a safety hazards and to fine operators, manufacturers and designers who refuse to comply with such orders.

This is what the CPSC does for mobile rides – they should have the same authority for purposes of safety on fixed-site rides.

Last August was the most calamitous month in roller coaster history, with 4 deaths occurring in just 6 days in three separate parks. Serious injuries are increasing, perhaps reflecting the increase in speed on the new steel coasters. The consequences of rider or operator error were serious enough when the average speed of a new

coaster was 55 mph, as it was 10 years ago. Today, that average has soared to over 70 mph, and the consequences of error are proportionately more serious.

We need to restore common-sense federal safety oversight to this industry so that serious accidents are thoroughly investigated by the CPSC and every effort is made to prevent foreseeable tragedies from repeating themselves across all 50 states.

Thank you.